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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,830	03/23/2004	Yuko Nishikawa	81233 7114	4246

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER	
TAYLOR, JOSHUA D	

ART UNIT	PAPER NUMBER
2426	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,830	NISHIKAWA ET AL.	
	Examiner	Art Unit	
	JOSHUA TAYLOR	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,8-12,15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,8-12,15 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection, except for the following argument.

On page 20 of Applicant's remarks received 1/26/2009, Applicant argues Examiner is citing an inordinate number of references in an attempt to arrive at the claimed invention, i.e. four references

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 8-12 and 15-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the drawings or the specification is reference made to "cascading

filters," and Applicant did not point Examiner to any place where Applicant may believe this amendment is supported.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 8-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (Pub. No.: US 2004/0117831) in view of Robarts et al (Pub. No.: US 2005/0278741), and further in view of Hassell et al. (Pub. No.: US 2004/0107439) and Westberg (Pub. No.: US 2005/0102696).

Regarding claim 1, Ellis discloses **a method of using an interactive program guide by at least one user on a given audio/visual device** (Fig. 1A)**, comprising the steps of: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs** (Fig. 31, paragraph [0128], lines 5-13)**; displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs** (Fig. 31)**.** However, Ellis does not disclose the following, which Robarts does: **detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a**

preliminarily selected audio/visual program (Robarts, Fig. 6, element 186)**; when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**; when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were to select a different program, element 186 would move to highlight said different program)**; when a user takes an action with respect to the preliminarily selected audio/visual program, which action does not comprise either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**, wherein the step of automatically taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**, wherein the step of automatically taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were

to select a different program, element 186 would move to highlight said different program)**, and wherein the step of automatically taking a third predetermined action comprises displaying the list of preferred items** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**.** Ellis discloses an interactive program guide which allows the user to add many elements of a television program to a favorites list. However, Ellis does not disclose the user adding a particular television program to a list of favorites. Robarts discloses enabling a viewer to add a program to a predefined list of favorites (paragraph [0075], lines 8-10) in order for the user later to be able to quickly access a list programs previously identified as favorites (Robarts, paragraph [0077], lines 9-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the program favorites list in the interactive program guide of Ellis. Allowing the user to access programs added to a list of favorites would have been highly desirable in the art, as it would provide another method for the user to organize their preferences.

The combined teaching of Ellis and Robarts does not disclose **providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user,** nor does it disclose **wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media, wherein the plurality of cascading filters simultaneously considers content across the plurality of media.** However, in analogous art, Hassell discloses that windows can be displayed in a cascading fashion (Figs. 18A and 18B, paragraph [0118]), as well as disclosing that the content in the cascading windows may be retrieved from a plurality of different feeds that are interspersed among a plurality of analog carriers (Fig. 24, paragraph [0128]). Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Ellis and Robarts to include cascading filters considering content across a plurality of media. This would have produced predictable and desirable results, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user, and to do so in a manner that was aesthetically pleasing and understandable.

Neither Ellis, Robarts nor Hassell disclose **automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time.** However, in analogous art Westberg discloses monitoring a user's activity by seeing if a user watches a program for more than a predetermined amount of time (i.e. is inactive in terms of scanning through channels), and if the user does, marking that television program as a potential program of interest (paragraphs [0091]-[0092]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the program guide to update a list of preferred items based on a user's inactivity, i.e. if the area of visual focus does not move for greater than a predetermined length of time. This would have produced predictable and desirable results, as it would allow the system to use more available information in order to update the users list of preferred items.

Regarding claim 2, the combined teachings as stated above disclose **the method of claim 1,** and Ellis further discloses **wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs comprise at least one**

of: a programming network identifier (Fig. 31, paragraph [0128], line 8)**; a broadcast starting time** (Figs. 6 and 7, paragraph [0128], lines 7-8)**; a description of audio/visual content as corresponds to the audio/visual program** (Fig. 7, element 155, paragraph [0128], lines 10-13)**; audio/visual program media source** (Figs. 6 and 7, paragraph [0128], lines 8-10)**.**

Regarding claim 8, the combined teachings as stated above disclose **the method of claim 1,** and Robarts further discloses **wherein detecting preliminary selection of a particular one of the discrete selectable audio/visual programs further comprises detecting at least a predetermined relationship between a present position of one of the characterizing descriptors as corresponds to the particular one of the discrete selectable audio/visual programs and an area of visual focus** (Fig. 6, element 186, paragraph [0072], lines 6-9)**.** This claim is rejected on the same grounds as claim 1.

Regarding claim 9, the combined teachings as stated above disclose **the method of claim 1,** and Robarts discloses **further comprising determining when the user selects the preliminarily selected audio/visual program by detecting when the user asserts a selection action at a time when a characterizing descriptor as corresponds to the preliminarily selected audio/visual program occupies, at least in part, a same portion of a display as a predetermined area of visual focus** (Fig. 6, elements 186 and 200, paragraph [0075], lines 8-10)**.** This claim is rejected on the same grounds as claim 1.

Regarding claim 10, Ellis discloses: **a method to facilitate provision of an interactive programming guide, comprising the steps of: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content**

(Ellis, Fig. 31, paragraph [0128], lines 5-13)**; displaying an interactive programming guide comprising at least one of the characterizing descriptors** (Ellis, Fig. 31, paragraph [0128], lines 5-13)**.** However, Ellis does not disclose the following, which Robarts does: **providing an updatable list of preferred items of audio/visual content** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**; providing an area of visual focus on a particular displayed one of the characterizing descriptors** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9)**; in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of audio/visual content** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**; in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were to select a different program, element 186 would move to highlight said different program)**; in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**.** Ellis discloses an interactive program guide which allows the user to add many elements of a television program to a favorites list. However, Ellis does not disclose the user adding a particular television program to a list of favorites. Robarts discloses enabling a viewer to add a program to a predefined list of favorites (paragraph [0075], lines 8-10) in order for the user later to be able to quickly access a list programs previously identified as favorites (Robarts, paragraph [0077], lines 9-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the program favorites list in the interactive program guide of Ellis. Allowing the user to access programs added to a list of favorites would have been highly desirable in the art, as it would provide another method for the user to organize their preferences.

The combined teaching of Ellis and Robarts does not disclose **providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user,** nor does it disclose **wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media, wherein the plurality of cascading filters simultaneously considers content across the plurality of media.** However, in analogous art, Hassell discloses that windows can be displayed in a cascading fashion (Figs. 18A and 18B, paragraph [0118]), as well as disclosing that the content in the cascading windows may be retrieved from a plurality of different feeds that are interspersed among a plurality of analog carriers (Fig. 24, paragraph [0128]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robarts to include cascading filters considering content across a plurality of media. This would have produced predictable and desirable results, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user, and to do so in a manner that was aesthetically pleasing and understandable.

Neither Ellis, Robarts nor Hassell disclose **automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when**

the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time. However, in analogous art Westberg discloses monitoring a user's activity by seeing if a user watches a program for more than a predetermined amount of time (i.e. is inactive in terms of scanning through channels), and if the user does, marking that television program as a potential program of interest (paragraphs [0091]-[0092]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the program guide to update a list of preferred items based on a user's inactivity, i.e. if the area of visual focus does not move for greater than a predetermined length of time. This would have produced predictable and desirable results, as it would allow the system to use more available information in order to update the users list of preferred items.

Regarding claim 11, the combined teachings as stated above disclose **the method of claim 10,** and Robarts further discloses **wherein the response to the third signal further comprises not displaying characterizing descriptors as correspond to items of audio/visual content that are not on the list of preferred items of audio/visual content** (Fig. 13, paragraph [0095], lines 1-14)**.** This claim is rejected on the same grounds as claim 10.

Regarding claim 12, the combined teachings as stated above disclose **the method of claim 10,** and Robarts discloses **further comprising: receiving at least one of the first signal, the second signal, and the third signal from a remote control device** (paragraph [0044], lines 4-8)**.** This claim is rejected on the same grounds as claim 10.

Regarding claim 15, Ellis discloses **a method to facilitate use of an interactive program guide, comprising the steps of: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs** (Ellis, Fig. 31, paragraph [0128], lines 5-13)**; displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs** (Ellis, Fig. 31, paragraph [0128], lines 5-13)**.** However, Ellis does not disclose the following, which Robarts does: **detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a preliminarily selected audio/visual program** (Robarts, Fig. 6, element 186)**; determining when the user selects the preliminarily selected audio/visual program by detecting when the user asserts a selection action at a time when a characterizing descriptor as corresponds to the preliminarily selected audio/visual program occupies, at least in part, a same portion of a display as a predetermined area of visual focus** (Robarts, Fig. 6, elements 186 and 200, paragraph [0075], lines 8-10. The location of element 186 determines the program that is added to the favorites list)**; when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**; when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were

to select a different program, element 186 would move to highlight said different program);

when a user takes an action with respect to the preliminarily selected audio/visual program, the action not comprising either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**, wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs comprise at least one element selected from a group consisting essentially of a programming network identifier, a broadcast starting time, a description of audio/visual content as corresponds to the audio/visual program, and an audio/visual program media source** (Robarts, Fig. 6, paragraphs [0068]-[0069])**, wherein the step of automatically taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**, wherein the step of automatically taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were to select a different program, element 186 would move to highlight said different program)**, wherein the step of automatically taking a third predetermined action comprises displaying the list of preferred items** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**, and wherein the step of detecting preliminary selection of a particular one of the discrete**

selectable audio/visual programs further comprises detecting at least a predetermined relationship between a present position of one of the characterizing descriptors as corresponds to the particular one of the discrete selectable audio/visual programs and an area of visual focus (Robarts, Fig. 6, elements 186 and 200, paragraph [0075], lines 8-10. The location of element 186 determines the program that is added to the favorites list)**.** Ellis discloses an interactive program guide which allows the user to add many elements of a television program to a favorites list. However, Ellis does not disclose the user adding a particular television program to a list of favorites. Robarts discloses enabling a viewer to add a program to a predefined list of favorites (paragraph [0075], lines 8-10) in order for the user later to be able to quickly access a list programs previously identified as favorites (Robarts, paragraph [0077], lines 9-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the program favorites list in the interactive program guide of Ellis. Allowing the user to access programs added to a list of favorites would have been highly desirable in the art, as it would provide another method for the user to organize their preferences.

The combined teaching of Ellis and Robarts does not disclose **providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user,** nor does it disclose **wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media, wherein the plurality of cascading filters simultaneously considers content across the plurality of media.** However, in analogous art, Hassell discloses that windows can be displayed in a cascading fashion (Figs. 18A and 18B, paragraph [0118]), as well as disclosing that the content in the cascading windows may be

retrieved from a plurality of different feeds that are interspersed among a plurality of analog carriers (Fig. 24, paragraph [0128]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robarts to include cascading filters considering content across a plurality of media. This would have produced predictable and desirable results, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user, and to do so in a manner that was aesthetically pleasing and understandable.

Neither Ellis, Robarts nor Hassell disclose **automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time.** However, in analogous art Westberg discloses monitoring a user's activity by seeing if a user watches a program for more than a predetermined amount of time (i.e. is inactive in terms of scanning through channels), and if the user does, marking that television program as a potential program of interest (paragraphs [0091]-[0092]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the program guide to update a list of preferred items based on a user's inactivity, i.e. if the area of visual focus does not move for greater than a predetermined length of time. This would have produced predictable and desirable results, as it would allow the system to use more available information in order to update the users list of preferred items.

Regarding claim 16, Ellis discloses **a method to facilitate provision of an interactive programming guide, comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (Ellis, Fig. 31, paragraph [0128], lines 5-13)**; displaying an interactive programming guide comprising at least one of the characterizing descriptors** (Ellis, Fig. 31)**.** However, Ellis does not disclose the following, which Robarts does: **providing an updatable list of preferred items of audio/visual content** (paragraph [0077])**; providing an area of visual focus on a particular displayed one of the characterizing descriptors** (Robarts, Fig. 6, element 186)**; in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of audio/visual content** (Robarts, Fig. 6, element 200, paragraph [0075], lines 8-10)**; in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors** (Robarts, Fig. 6, element 186, paragraph [0072], lines 6-9. Element 186 is used to highlight a preliminarily selected program, so if the user were to select a different program, element 186 would move to highlight said different program)**; in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content** (Robarts, Fig. 6, element 202, paragraph [0077], lines 9-11)**, receiving at least one of the first signal, the second signal, and the third signal from a remote control device** (Robarts, paragraph [0044], lines 4-8)**, wherein the response to the third signal further comprises not displaying characterizing descriptors as correspond to items of audio/visual content that**

are not on the list of preferred items of audio/visual content (Robarts, Fig. 13, paragraph [0095], lines 1-14)**.** Ellis discloses an interactive program guide which allows the user to add many elements of a television program to a favorites list. However, Ellis does not disclose the user adding a particular television program to a list of favorites. Robarts discloses enabling a viewer to add a program to a predefined list of favorites (paragraph [0075], lines 8-10) in order for the user later to be able to quickly access a list programs previously identified as favorites (Robarts, paragraph [0077], lines 9-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the program favorites list in the interactive program guide of Ellis. Allowing the user to access programs added to a list of favorites would have been highly desirable in the art, as it would provide another method for the user to organize their preferences.

However, the combined teaching of Ellis and Robarts does not disclose **providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user,** nor does it disclose **wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media, wherein the plurality of cascading filters simultaneously considers content across the plurality of media.** However, in analogous art, Hassell discloses that windows can be displayed in a cascading fashion (Figs. 18A and 18B, paragraph [0118]), as well as disclosing that the content in the cascading windows may be retrieved from a plurality of different feeds that are interspersed among a plurality of analog carriers (Fig. 24, paragraph [0128]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robarts

to include cascading filters considering content across a plurality of media. This would have produced predictable and desirable results, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user, and to do so in a manner that was aesthetically pleasing and understandable.

Neither Ellis, Robarts nor Hassell disclose **automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time.** However, in analogous art Westberg discloses monitoring a user's activity by seeing if a user watches a program for more than a predetermined amount of time (i.e. is inactive in terms of scanning through channels), and if the user does, marking that television program as a potential program of interest (paragraphs [0091]-[0092]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the program guide to update a list of preferred items based on a user's inactivity, i.e. if the area of visual focus does not move for greater than a predetermined length of time. This would have produced predictable and desirable results, as it would allow the system to use more available information in order to update the users list of preferred items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2426